

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

MAR 30 2009
JOHN F. CORCORAN, CLERK
BY: *J. B. Smith*
REPUTY CLERK

In accordance with the memorandum opinion entered this day, it is **ORDERED** and
ADJUDGED that the motion pursuant to 28 U.S.C. § 2255 is **DENIED**, and this action is
STRICKEN from the active docket of the court.

Varner is advised that he may appeal this decision pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the date of the entry of the Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel for the respondent.

ENTER: This March 30, 2009.



UNITED STATES DISTRICT JUDGE